IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tomohiro Igakura

Application No.: 09/960,548   Confirmation No.: 5904

Filed: September 20, 2001   Art Unit: 2161

For: FILE MANAGING SYSTEM   Examiner: T. Y. Chen

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is responsive to the Examiner's Answer mailed on July 11, 2011, issued in connection with the Appeal from the final rejection of claims 2-6 and 8-17 in the above identified U.S. Patent application, and is timely filed pursuant to 37 C.F.R. § 41.41(a).

No fees are believed due for the filing of this Reply Brief. However, if any fee is due, the Patent Office is authorized to charge such fee to Deposit Account No. 50-2215.

RESPONSE

As described in Appellants' Appeal Brief, each of the claims 2-6 and 8-17 appealed from final rejection is patentable over the references cited by the Examiner. Appellants maintain each argument presented in the Appeal Brief. In addition, the Board should note that the present invention recited in independent claims 2 and 3 is not anticipated by U.S. Patent No. 6,560,631 (Ishihara), and that U.S. Patent No. 5,109,511 (Nitta) fails to cure the deficiencies of Ishihara with

respect to rendering obvious the present invention recited in independent claims 8 and 9, for at least the following reasons:

A.   Ishihara Lacks Disclosure of File Content Comparison

Independent claim 2 explicitly requires a file management system comprising, in pertinent part:

> * * *
>
> a means for producing and recording, if no file has the same content as any of the files recorded in the file memory, a new managing ID for a new file to be registered in the file memory;
>
> * * *
>
> a file content comparing means for comparing the content of the new file to be registered and the contents of files registered in the file memory, [and]
>
> a means for registering, if a same content file has been registered in the file memory, the file title, the file ID, and the managing ID of the same content file in the correspondence table

Particularly, the claimed filed system produces a new managing ID for files having different contents, even if the files have the same file title. Inversely, the claimed file system will register an identical managing ID of a file having the same content as another file, even if the two files have different file titles. *See* Specification, p. 1, lines 6 – 13; p. 30, lines 26 – 27. Thus, the managing ID depends upon whether the file being registered has the same contents as any of the files recorded in the file memory.

Ishihara fails to disclose these key claim limitations, and the Examiner's Answer highlights the deficiency. At the third line of the first paragraph on page 18, the Examiner argues that the claim limitation "if no file has the same content as any of the files to be registered" is disclosed by

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Ishihara at Figs. 15 and 16 and col. 12, lines 1-16, "e.g., In a specific GUI file set up processing for

a user file analytical editing as show by Fig. 15, during the initial setting up stage, the work area has

no cached files and no same contents at all. Additionally, each time a cached file is created, the

warehouse servers (e.g., as shown in 181 – 183, Fig. 16) of the file management system register the

created files in a work area (e.g., 183e, Fig. 16)." But Ishihara's disclosure of this temporary

condition of an empty cache does not suddenly become a "a file content comparing means," as no

comparison of file contents is disclosed by Ishihara. Rather, as Ishihara discloses, "the resource

management server 172 sends a query to the cache management server 173 to ask where the source

data files and processing engines are being cached (S103, FIG. 16). The cache management server

173 responds to this query by naming relevant warehouse servers, if any, that have those files in

their cached file storage." Ishihara, col. 12, ll. 44-49. There is no disclosure whatsoever in Ishihara

that the contents of the requested files are examined and compared. Instead, the name of the source

data file is used to process this query, not the contents. *See, e.g.,* Ishihara, col. 9, l. 63 – col. 10, l.

32. In other words, it is the "identifiers of resource files," i.e., the name of the file, that is associated

with "their respective storage locations." Ishihara, Abstract. As taught by Ishihara, "The identifiers

should be unique in the distributed environment, so that all resource files will be uniquely

distinguished from each other by using their identifiers." *Id.*

    As is well-known in the art, a cached file is merely a convenient copy of an existing file that

is stored in a less convenient location. A flushed/initialized/empty cache contains no files. Because

Ishihara fails to disclose any comparison of file contents, Ishihara likewise cannot disclose "a means

for producing and recording . . . a new managing ID for a new file to be registered in the file

memory" " if no file has the same content as any of the files recorded in the file memory," as

required by independent claim 2. The Examiner argues that newly created file identifiers are created when a file is copied into an empty cache, but such argument fails to recognize this fatal flaw: Ishihara lacks disclosure of a comparison between file contents of a file to be registered and contents of files that might be in the cache, empty or not, and no comparison is needed in the system disclosed by Ishihara. The reason why Ishihara lacks such disclosure is simple: any file copied into cache will have contents that are identical to the file copied. For this reason alone, Ishihara cannot anticipate the invention claimed in claim 2 of the present application.

Since independent claim 3 comprises similar limitations as those reproduced above for independent claim 2, Ishihara likewise does not anticipate independent claim 3 for at least the same reasons.

B.   Ishihara Lacks Disclosure of Producing And Recording A New Managing ID For A New File

Independent claim 2 explicitly requires a file management system comprising, in pertinent part:

> a means for producing and recording, if no file has the same
> content as any of the files recorded in the file memory, a new
> managing ID for a new file to be registered in the file memory;

On page 17, the Examiner's Answer cites Ishihara as disclosing "a resource management database and at least one processing executions unit . . . for producing [e.g., [for] creating a work area of a distributed source files at Abstract, lines 10-11] and recording [e.g., storing the cr[e]ated intermediate data files at Abstract, lines 11-12] . . . a new managing ID for a new file [i.e., a newly created unique file identifier for distributing source files at Abstract, lines 2-7]." However, it is

apparent that the Examiner's Answer fails to recognize that it is the managing ID for a new file that is being produced and recorded. Instead, the Examiner's Answer cites to creating a work area for distributed source files and storing the created intermediate data files, and thus fails to set forth a *prima facie* case of anticipation by Ishihara. Independent claim 3 comprises a similar file comparison limitation, but includes a file deleting means that deletes the managing ID and the file registered if a same content file has been registered. In the absence of any disclosure or suggestion of this claim feature, independent claims 2 and 3 are not anticipated by the cited references.

C.   Ishihara Combined With Nitta Lacks Disclosure Of Comparing The Content Of A Taken-Out File With The Content Of A File To Be Registered

Independent claim 8 explicitly requires, in pertinent part:

> * * *

> taking out, if a managing ID is obtained as a result of the hash table retrieval, the file corresponding to the obtained managing ID from a file memory and compares the content of the taken-out file and the contents of the files to be registered;

> registering, if the content of the taken-out file is the same as the content of a file to be registered, the file title to be registered, the file ID to be registered and the managing ID of the taken-out file in a correspondence table; and

> producing, if no identity is obtained as a result of the hash table retrieval or if no same content file is detected although identity is obtained as a result of the hash table retrieval, a new managing ID, registering the new managing ID thus produced and the corresponding file to be registered in the file memory, registering the new managing ID in the hash table with the hash value of the file to be registered used as a key value, and registering the file title to be registered, the file ID to be registered and the new managing ID in the correspondence table.

Similarly, independent claim 9 requires, in pertinent part:

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* * *

retrieving, when a managing ID is obtained as a result of the hash table retrieval, the file memory to take out the file corresponding to the obtained managing ID and comparing the content of the taken-out file and the contents of the files to be registered;

updating, if the content of the taken-out file is the same as a file to be registered, the new managing ID registered in the correspondence table to the managing ID corresponding to the taken-out file, and deleting the new managing ID registered in the file memory and the files to be registered from the file memory; and

registering, if no identity is obtained as a result of the hash table retrieval or if no same content file is detected although identify is obtained as a result of the hash table retrieval, the new managing ID in the hash table with the hash values of the files to be registered as key values.

Thus, both independent claims require using a hash table to retrieve managing IDs for taken-out files and "comparing the content of the taken-out file and the contents of the files to be registered." As explained above, Ishihara lacks disclosure of any such file content comparison. Nitta fails to cure the deficiencies of Ishihara.

Nitta is directed to "managing access to shared resource elements between processes subjected to parallel processing by use of a hash table under a multiprocessor environment or a multi-task processing environment." Nitta, Abstract. The Final Office Action indicates that Nitta is not relied upon for disclosure of file contents comparison, and on page 14 of the Examiner's Answer, no citation to Nitta is made with respect to independent claims 8 and 9. Nitta discloses that, when two data elements have the same hash value, i.e., a so-called "collision" in the home position of the hash table, a separate entry is made in an overflow position for the second data element. See Nitta, col. 4, ll. 31-35; col. 5, ll. 36-54 and Figs. 4-6. Nitta does not disclose that the contents of the data elements are compared in any way, and therefore, fails to cure the deficiencies
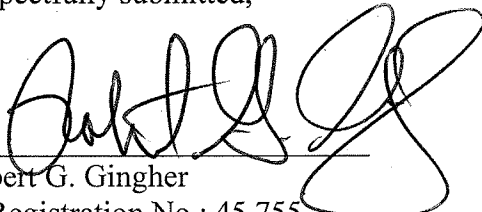
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of Ishihara. In the absence of any teaching or suggestion of the claim features recited above,

independent claims 8 and 9 are believed to be allowable over the cited references.

D.   The Dependent Claims Are Further Allowable

Claims 4-6 and 13-17 depend either directly or indirectly from one of independent claims 2,

3, 8 and 9, and incorporate by reference the limitations from one of these independent claims.

Therefore dependent claims 4-6 and 13-17 are allowable for at least the same reasons expressed

above. In addition, dependent claims 4-6 and 13-17 include additional limitations that, in

combination with the limitations incorporated by reference, are further allowable. Therefore, claims

4-6 and 13-17 are allowable over these cited references.

Dated: September 9, 2011   Respectfully submitted,

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